

**FILED**

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**FEB 10 2010**

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**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF MONTANA  
MISSOULA DIVISION**

MONTANA SHOOTING SPORTS )  
ASSOCIATION, SECOND )  
AMENDMENT FOUNDATION, )  
Inc., and GARY MARBUT, )  
Plaintiffs, ) Civil Action No. 09-CV-00147-DWM-JCL  
vs. )  
ERIC H. HOLDER, JR., ) APPLICATION TO ADMIT  
ATTORNEY GENERAL OF THE ) NICHOLAS C. DRANIAS *PRO HAC*  
UNITED STATES OF AMERICA, ) *VICE TO APPEAR ON BEHALF OF*  
Defendant. ) GOLDWATER INSTITUTE SCHARF-  
 ) NORTON CENTER FOR  
 ) CONSTITUTIONAL GOVERNMENT  
 ) AS AMICUS CURIAE  
 )  
 )  
 )

I, Nicholas C. Dranias, am an attorney at law duly qualified to practice before various courts, who is applying to be admitted *pro hac vice* to appear on behalf of the Goldwater Institute Scharf-Norton Center for Constitutional Government, and if called as a witness, I could and would competently and truthfully testify to the following:

1. I am Director of the Joseph and Dorothy Donnelly Moller Center for Constitutional Government at the Goldwater Institute, where I hold the Clarence J. and Katherine P. Duncan Chair for Constitutional Government. My office is located at 500 E. Coronado Rd., Phoenix, AZ 85004. I am also an attorney practicing with the Goldwater Institute Scharf-Norton Center for Constitutional Litigation. Prior to joining the Goldwater Institute, I was an attorney with the Institute for Justice, where I litigated constitutional law for three years. Prior to that, I was an attorney in private practice for nearly eight years, with a wide-ranging practice concentrated in litigation. In law school, I served on the Loyola University Chicago Law Review, competed on Loyola's National Labor Law Moot Court Team, and received various academic awards. I graduated *cum laude* from Boston University with a B.A. in Economics and Philosophy.

2. I reside and practice law in the State of Arizona; however, the majority of my time is spent as a legal scholar. In that capacity, I have authored numerous published articles. My most recent work, *50 Bright Stars*, reveals that 48 out of 50 states offer a stronger guarantee of limited government under their state constitutions than does the federal government under current interpretations of the U.S. Constitution.

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3. I have been admitted to practice in the following federal jurisdictions: 1) U.S. Supreme Court-July 28, 2008; 2) U.S. Ct. App. 9<sup>th</sup> Cir.-Sept. 29, 2008; 3) U.S. Ct. App. 8<sup>th</sup> Cir.-Jan. 9, 2007; 4) U.S. Ct. App. 7th Cir.-Sept. 7, 2000; 5) U.S. D.C. Ariz.-Aug. 25, 2008; 6) U.S. D.C. Minn.-Sept. 1, 2005; 7) U.S. D.C. E.D. Wis.-July 15, 1998; 8) U.S. D.C. N.D. Ill.-March 31, 1997; and 9) District of Columbia-January 5, 1998. I have been admitted to practice in the following states: 1) Arizona-May 20, 2008 (under Arizona Supreme Court Rule 38(f)); 2) Minnesota-June 2, 1997 (inactive by choice); and 3) Illinois-Nov. 7, 1996 (inactive by choice). I have been admitted to practice *pro hac vice* in the following jurisdictions: 1) U.S.D.C. E.D. Mo.-2007; and 2) State of Texas-2007.

4. My admission has not been terminated in any of these jurisdictions and I am in good standing and eligible to practice in all of the foregoing jurisdictions, except for voluntarily inactivating my licenses to practice in the states of Minnesota and Illinois after relocating to the State of Arizona in 2008.

5. I am not currently suspended or disbarred in any court.

6. I have never been held in contempt or otherwise disciplined by any court for disobedience to its rules or orders, or sanctioned under Fed. R. Civ. P. 11 or 37(b), (c), (d) or (f) or their state equivalent.

7. I have not concurrently or within the year preceding the date of application made any *pro hac vice* application to this Court.

8. I wish to appear and herewith apply to appear to represent the Goldwater Institute Scharf-Norton Center for Constitutional Litigation, as *Amicus Curiae*, in the

above matter. Mr. Fox has consented to my application and has graciously offered to file this application and related motion without charging for his time.

I, Nicholas C. Dranias, declare under penalty of perjury under 28 U.S.C. § 1746(2), the laws of the United States and of the State of Arizona, that the foregoing is true and correct to the best of my knowledge, information and belief.

Executed this 3rd Day of February, 2010.



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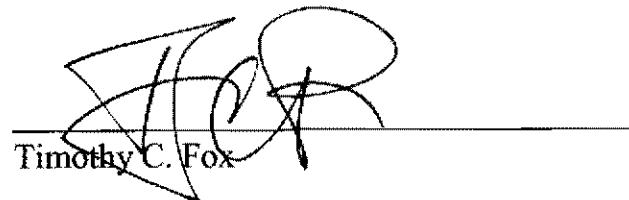
Nicholas C. Dranias

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing *Application to Admit Nicholas C. Dranias for Pro Hac Vice* was served upon the following individuals by U.S. Mail, sufficient postage prepaid to the mailing addresses indicated below, and via email to the electronic mailing addresses indicated below, if any, this 10<sup>th</sup> day of February, 2010.

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Timothy C. Fox